

MEMORANDUM

TO: Environmental Quality and Land Use Committee

VIA: Brandol Harvey, AICP, AIA, Chief of Planning

FROM: Steve M. Hundley, AICP, Zoning Administrator

DATE: October 29, 2004

RE: Minutes from the October 18, 2004, Environmental Quality and Land Use Committee Meeting

The Environmental Quality and Land Use Committee met at 4:00 pm on Monday, October 18, 2004, in the Town Council Chambers. Committee members present included Langrehr, Oliver, Jones, Howard, Snyder-Falkinham, and Stewart. Planning Commissioner Novak was in attendance as well. Staff members present included Hundley, Harvey, and McKinney.

SUMMARY

- A. SUP 04-005 – Special Use Permit for General Office use, Wall Law Office, 608 & 610 South Main Street.** The committee recommended a 30-day deferral to address issues discussed at the neighborhood meeting and recommendations by the committee regarding the location of the driveway. **Vote 6-0.**
- B. SUP 04-007 – Special Use Permit for Personal Services use, Paul Smith Nail Salon, 801 Orchard Street.** The committee recommended a 30-day deferral to provide an architectural sketch and review by the Historic and Design Review Board. **Vote 6-0.**
- C. SUP 04-008 – Special Use Permit for General Office use, Snyder and Associates Office, 500 South Main Street.** The committee recommended approval **Vote 5-0; 1 abstention.**
- D. SUP 04-009 – Amendment to Special Use Permit for Major Utility use, Town of Blacksburg Water Tank, 1303 Palmer Drive.** The committee recommended approval **Vote 6-0.**
- E. Ordinance 1371, Conditional zoning from Low Density Residential (R-4) zoning district to Planned Residential (PR) zoning district, Northside Planned Residential Community, 2300 block, North Main**

Street & 2200 block, Progress Street. The committee recommended approval with condition **Vote 5-1.**

- F. Ordinance 1374, Conditional zoning from Transitional Residential (R-5) and Planned Manufactured Home (PMH) zoning district to Planned Residential (PR) zoning district, Givens Village, 1611 Whipple Drive. A.** The committee recommended approval with conditions. **Vote 5-1.**

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- A. SUP 04-005 – Special Use Permit for General Office use, Wall Law Office, 608 & 610 South Main Street.**

Staff Report

Mr. Hundley reviewed the Staff report (dated October 15, 2004) and discussed comments and concerns of the neighborhood meeting. The applicant had requested and received one 30-day deferral in order to revise the concept plan to reflect neighborhood rejection of alley access to the property. Mr. Hundley emphasized that while the revised site plan depicts a South Main driveway access to the parking lot, an alley “emergency access” is still shown on the plan. This access not only requires a SUP for the alley use, but is not supported by the Comprehensive Plan. Mr. Hundley also noted that the required buffer is not provided.

Applicant Statement

Mr. Ed Natt, the applicant’s attorney, spoke on Kenneth Wall’s behalf. Mr. Natt noted that the applicant’s business had existed at this location for the past 15 years and that there is a Home Occupation permit for the business on file with the Town. He stated that a newly revised plan was given to staff that afternoon. The newly revised plan is consistent with the Comprehensive Plan, the “emergency access” to the alley has been removed, more screening is located adjacent to the alley, that the number of parking spaces has not been reduced because there are nine employees. He noted that clients do not routinely come to this office. He said his client does not have a timer light inside the building. Mr. Natt stated that the existing vegetation on the fraternity side of the proposed office is sufficient making an additional buffer not required, and that since a dentist office is adjacent on the south side of the lot, a buffer should not be required there.

Ms. Howard asked if the applicant had investigated a cross driveway access from the dentist office parking lot. Mr. Natt stated that the dentist is not interested.

Mr. Stewart asked if the garage is used for vehicles? Mr. Natt responded that the garage had not been used by the Wall law office for vehicles.

Public Comment

Ms. Leslie Allen, 605 Draper Road, stated that the visibility of the parking lot directly behind her property degrades the residential neighborhood.

Fain Rutherford, 106 Eakin Street, stated that use of the alley and having parking in the backyard of the Wall law office negatively impacts the neighborhood and that the parking should be minimized.

B.J. Bauermeister, 603 Draper Road, stated that her driveway extends from Draper Road to the alley. She stated that she had to have a gate placed at the end of the driveway to prevent the driveway from being used as a cut through. She is concerned that commercial use of the alley would lead to more use of the alley as a public thoroughfare.

Ms. Terry Hoover, 706 Draper Road, expressed concern that further approvals will lead to increased conversion of residential property into commercial office use in the neighborhood.

Bernard Taylor, 606 Draper Road, stated that the fact that the business had been there for 15 years with no one noticing should be an embarrassment to the town and emphasized that alley use should not happen.

Discussion/Action

Mr. Novak noted that the parking should be reduced to six cars, or the minimum required, and that a single, 20-foot wide driveway should be considered instead of the proposal of two, 14-foot wide driveways.

Mr. Langher stated that he agrees with the comments made by neighbors and believed the driveway should be a single 2-way drive on the south side of the house in order to save a street tree and to avoid moving a storm drain drop inlet.

Ms. Howard asked if there is adequate space for a 20-foot wide driveway on the south side of the property. Mr. Hundley answered that there appears to be adequate space but may require a modified buffer yard on the south side of the property.

Mr. Langher made a motion to recommend a 30-day deferral.

The motion passed 6- 0.

B. SUP 04-007 – Special Use Permit for Personal Services use, Paul Smith Nail Salon, 801 Orchard Street.

Staff Report

Mr. Hundley reviewed the Staff report (dated October 15, 2004) and discussed comments and concerns of the neighborhood meeting. At the neighborhood meeting, attendees expressed concern regarding the effect on property tax assessment on residential property when a commercial use is located in a residential zoning district. Attendees are also concerned about storm water management, the need for a hedge buffer to discourage pedestrian trespass, and limiting the types of Personal Services use permitted.

Mr. Hundley noted that the application appears to be consistent with the Comprehensive Plan, and conform to the Zoning Ordinance.

Applicant Statement

The applicant, Mr. Paul Smith, discussed his proposed nail salon business, noting that the location near the campus and other businesses is appropriate, and the is consistent with the neighborhood. Mr. Smith believes the nail salon will be a benefit to the neighborhood. He stated that he proposes a flat-roof brick structure with a glass door at the front corner and a display window. There will be a private entrance at the rear of building. Three manicure and pedicure stations are proposed. Mr. Smith stated that he can provide a sketch of the building if necessary. The existing house on the lot will be removed. Both vehicle and pedestrian access will be provided. He stated that he is willing to provide a hedge to discourage pedestrian trespass and the hours of operation are 9 a.m. to 8 p.m., Monday through Saturday.

Public Comment

None

Discussion/Action

Mr. Novak stated that he would like to see a sketch or drawing of the type of architecture proposed and suggested that the Historic or Design Review Board should review the sketch and make recommendation to the Environmental Quality and Land Use Committee.

Mr. Langrehr asked for more information regarding storm water management on the lot. The applicant's engineer, Mr. Clay Hodges, explained that storm water tends to pool to a central location on the property. He explained how the runoff can be directed to storm drains in the vicinity of the lot.

Ms. Howard expressed the need to see architectural sketches to ensure the building is compatible with adjacent properties. She wondered whether a soil analysis may be necessary because of the poor drainage.

A motion was made to defer action for 30 days to get an architectural sketch and to refer the sketch to HDRB for review.

The motion passed 5-0.

C. SUP 04-008 – Special Use Permit for General Office use, Snyder and Associates Office, 500 South Main Street.

Staff Report

Mr. McKinney reviewed the Staff report (dated September 30, 2004). No citizens attended the neighborhood meeting. The property was originally converted to a Fine Arts Gallery in the early 1980's and received an SUP for that use. The structure changed uses to office in the early 1990's and has been in office use for several years without a SUP.

This application is to rectify that situation. Mr. McKinney noted that the lot size is 500 square feet less than the required lot size in the R-5 district and that the structure does not meet the side yard setback for a corner lot. In addition, the applicant is requesting an exemption to the side Type A buffer yard requirement and an exemption to modify the required Type A buffer in the rear yard. The application appears to be consistent with the Comprehensive Plan, and conform to the Zoning Ordinance.

Applicant Statement

Mr. Reynolds, agent for Snyder & Associates, stated that the property is well maintained and a good neighbor. The office uses has been in place for several years and has had no complaint.

Public Comment

Ms. Hoover, 706 Draper Road, stated that the existing evergreen screening in the rear of the property is an important buffer between the office use and neighborhood. If the evergreens died they should be replaced.

Discussion/Action

The committee stated that this use was appropriate for the location

Mr. Novak stated that the requested exemptions for the buffer requirement appear reasonable.

Mr. Oliver-recommend approval of the application with the requested exceptions.

The motion passed 5-0. Ms. Snyder-Falkinham abstained.

D. SUP 04-009 – Amendment to Special Use Permit for Major Utility use, Town of Blacksburg Water Tank, 1303 Palmer Drive.

Staff Report

Mr. McKinney reviewed the staff report (dated September 30, 2004). Six citizens attended the neighborhood meeting. The primary concerns of the residents were screening, landscaping, need for more playground equipment, and the need for a wooden fence. The Town has worked with the neighborhood to produce a Master plan of the site to address community concerns. This project is in conformance with that Master Plan. The property currently has a new 2 million gallon water tank and two old water tanks. The proposal is to replace the two old water storage tanks with two new 1 million gallon storage tanks. As part of this project an area to the rear of the site will be graded for a park expansion. The application appears to be consistent with the Comprehensive Plan, and conform to the Zoning Ordinance.

Public Comment

None.

Discussion/Action

Mr. Novak: asked if other locations were discussed for the two new tanks.

Mr. Lester, project engineer, stated that the scope of work did not include looking at other sites and only to replace the two older storage tanks.

Mr. Novak asked why the Town is proposing to construct two 1million gallon tanks instead of a single two million.

Mr. Lester stated that the construction of a single two million gallon tank would require a deeper foundation to be constructed. Due to the deeper foundation, additional shoring would be needed that would extend outside the current property line.

Mr. Langrehr stated that Town Council reviewed four options for tanks to be constructed on the site. This included an option for a single two million gallon tank.

Mr. Novak stated that some neighborhood comments that he has heard include that the Town of Blacksburg is trying to sneak 2 new tanks into the site. A concern that the Highland Park site gets all the burden.

Mr. McKinney stated that during the last SUP process Town Council discussed their intention to either replace the old tanks or refurbish the old tanks. Mr. McKinney stated that the old 1.3 million gallon tank's floor recently failed and if the Town wished to meet the Comprehensive Plan goal of 48 hours of emergency water storage at some point the older tanks need to be replaced.

Mr. Langrehr moved to recommend approval of the application to the Planning Commission.

The motion passed 6-0.

- E. Ordinance 1371, Conditional zoning from Low Density Residential (R-4) zoning district to Planned Residential (PR) zoning district, Northside Planned Residential Community, 2300 block, North Main Street & 2200 block, Progress Street.**

Staff Report

Mr. McKinney reviewed the staff report (dated October 14, 2004). Two neighborhood meetings were held; the first in August had 63 and the second meeting in September 24. The proposal is to rezone property from R-4, low density residential, to Planned Residential. This will include a maximum of 400 dwellings to include single family detached and up to 51 Townhomes. In addition the planned residential development will include 13,000 sf of commercial space, 11,000 sf of Day Care, and 7,200 sf of Community Center space. Roughly 33% of the property is open space and several trails will traverse the property. Progress Street is proposed to be extended through the property but will not connect to North Main Street.

The primary concerns at the Neighborhood meeting include, traffic circulation, amount and location of commercial uses, appropriateness of commercial uses, the appropriateness of Townhomes, stormwater, and the amount of open space.

Mr. McKinney stated that the application does not appear to be consistent with the Comprehensive Plan

Mr. Novak stated that he believes that the proposal lies within the Toms Creek Drainage Basin.

Ms. Howard: asked about the design concepts of the proposal and how Progress Street can be extended to the North Main.

Mr. McKinney stated that a patternbook has been developed as part of the application providing guidance on the architectural details. He also stated that Progress Street could be extended in two ways 1) when the next property subdivides 2) The Town makes it a priority.

Ms. Snyder-Falkingham asked how this many homes can be allowed to be built and not require that Progress be extended.

Mr. Novak: asked for clarification on the different commercial uses.

Mr. McKinney state that they were Retail Sales, ATM or Walk up Banking, Small Restaurant, and Neighborhood General Store. In addition, he stated that the Town regulates restaurants square footage, not by number of tables as proposed.

Mr. Langrehr: asked how the open space area was figured.

Mr. McKinney discussed the original subdivision of the Givens Farm and the credit that this proposal would receive from the prior dedication of open space land.

Applicant Statement

Mr. Ed Natt, agent of the applicant discussed the proposal and staff report and introduced additional applicant presenters.

Bill Kreager, Mithune Architects, discussed the concept of creating a pedestrian oriented neo-traditional neighborhood, the layout, architectural details, and home styles. In addition he indicated that the primary reason the proposal is not in conformance with the Comprehensive Plan is due to the Townhomes.

Sheldon Bower,-Design Group, discussed the infrastructure of the project and how sewer could be addressed, stormwater facilities, and traffic. In addition, Mr. Bower stated that a he performed a study of what could be done with a By-right scenario under the R-4 zoning. This R-4 by-right

Howard: About inflow and infiltration; How much is done by the Town?

Building on Main Street should be removed and be Open Space.

Jeanne Stosser- clarify where open space?

Public Comment

Mr. Scott Nelson discussed the proposed density of the property and styles of housing as compared to the Comprehensive Plan's vision. He stated that the applicant's plan generates 67 additional homes more than the by-right scenario. He also stated that the maximum limit for commercial space should be 8,000 square feet. In addition, he provided calculations showing that the property had a 29% open space dedication vs. the stated 35%.

Mr. Bill Holloway stated support for the previously approved Section 12 R-4 subdivision. He indicated that compared to the 121 houses already approved there will be 101 houses filling that same land. He stated that the neighborhood will be inundated with traffic, particularly Carroll and Primrose Drive. He also stated that the development could be built out in 3-5 years if modular homes were constructed.

Ms. Judy Bevins stated that Progress Street should be extended to North Main Street to prevent negative traffic impact. Mrs. Bevins referred to the Anderson and Associates traffic report and stated that many of the assumptions are incorrect. Traffic will more likely go to Primrose, Carroll, and Walnut which will cause them to function more like a collector road by default. She also stated that the proposal's density is too urban and does not belong in this end of town.

Ms. Jean Robinson-202 Maywood Street, stated that the street proposed to intersect with North Main at Maywood has two blind curves, making it a dangerous place for an entrance/exit. She also indicated that many parents buy houses for students and Maywood Street has dealt with difficult student rental situations already.

Mr. George Garrett,-Spickard Street, stated that the subdivision will have a negative impact on the Fire Departments ability to respond to emergencies in the North End.

Mr. Brad DeGeorge stated that the Neo-urbanism design that is proposed is-contrary to Comprehensive Plan. He stated that the-R-4 zoning is appropriate to the rural vision and to achieving the rural feel. He stated that the proposal is too urban in character.

Mr. David Shasinsky,-204 Spikard Street, stated that he is committed to the R-4 zoning and was concerned about blind spots at an intersection on Progress Street and North Main Street. He also reminded the Committee of plans to widen North Main and stated that this road widening could impact the proposed development.

Discussion/Action

Mr. Novak stated that he liked the proposal's concept and that the Town needs to have low cost housing. He also stated that Montgomery County's Comprehensive Plan defines Blacksburg as an urban growth area and that if growth does not happen in the Town it will happen in the County. He indicated that sewer service is a problem and rectifying the situation will be costly. He also stated that on-site treatment of sewage is a poor option.

Mr. Jones stated that there are four major items that are within the rezoning proposal: 1) Commercial Uses, Townhomes, Lot sizes, and traffic.

Mr. Langrehr stated that the proposal is getting better, but that he still has a 1,000 questions which deal with: sewer, Section 13's suitability, Comprehensive Plan direction, rural character, and R-4 zoning. He stated that when in doubt he defers to Comprehensive Plan.

Ms. Snyder-Falkingham stated that the Town gets more with a Master Plan over By-right development. She also stated that Progress Street needs to be extended all the way through.

Ms. Howard stated that R-4 development would be sprawl. For a more rural feel there needs to be more Open Space. The applicant should consider having Open Space on Main Street. The road and sewer are her major concerns.

Ms. Snyder-Falkingham stated that Council can make a determination for sewer and move up the priority of a Progress Street connection to North Main.

Mr. Langrehr stated that another round of discussion is needed, open space on Main Street should be provided.

Mr. Novak stated that the Village of Tom's Creek proffered only 50% open space.

Mr. Oliver stated that the proposal adds density by 60 units over the R-4 built out scenario. He also indicated that the sewer-options are not acceptable.

Mr. Novak stated that Town Council failed with the sewer and that Town Council should figure out sewer for this area. He also stated that Progress Street should be extended.

Ms. Snyder-Falkingham-made a motion to approve Ord.1371 with conditions
-Improve Progress through to Main Street

Mr. Stewart seconded the motion.

The motion passed 5-1

F. Ordinance 1374, Conditional zoning from Transitional Residential (R-5) and Planned Manufactured Home (PMH) zoning district to Planned Residential (PR) zoning district, Givens Village, 1611 Whipple Drive. A.

Staff Report

Mr. McKinney reviewed the staff report (dated October 14, 2004). A neighborhood meetings was held in September with 24 residents attending. The proposal is to rezone property from R-5, Transitional Residential, and PMH Planned Manufactured Housing, PR to Planned Residential. This proposal will include a maximum of 68 dwellings to include single family detached, attached and Two Family dwellings on 9.9 acres of land. Roughly 2.99 acres of the property is open space and a trail will traverse the open space

The primary concerns at the Neighborhood meeting include student housing , transit service provisions, density of houses, parking, traffic, and need for affordable housing.

Mr. McKinney stated that the application does appear to be consistent with the Comprehensive Plan

Applicant Statement

Mr. Kreager stated that the staff report is very favorable to this proposal and that the applicant plans to make the suggested changes.

Mr. Stewart asked if the applicant could construct the bus shelter to the standard on South Main Street.

Public Comment

Ms. Judy Bevins, 114 Countryside Court, stated that the density is too great compared to the R-5 Transitional Residential district. She indicated that no traffic study has been produced and that traffic is an issue in this area. She also discussed parking issues and a concern about the building heights, materials and floorplans. She indicated that construction noise is a concern particularly rock breaking. She stated a concern about the provision of sewer. She also recommended that no more than 2 unrelated people be allowed to occupy a house. She stated that like the previous Copper Beech proposal 3 lots should be donated to Habitat for Humanity.

Mr. Scott Nelson, 119 Countryside Court, asked if the developer will construct the trail and towards Shenandoah. The applicant responded yes. He also stated that the front setbacks should match those across from the development. He also recommended that the land use map be overlaid on top of an existing neighborhood map to see how the subdivision will fit into the neighborhood.

Mr. Sheldon Bower, applicant engineer, stated that the proposed density was derived from the R-5 area and 40 manufacture homes uses, which equals 68 units. This is an upgrade to the existing development.

Mr. Kreager, applicant architect, addressed the parking and stated that the trailer court had 40 manufactured homes which is being proposed to be replaced by 27 homes. Therefore there will be both less parking and traffic generated onto Givens Lane than previously.

Discussion/Action

Ms. Howard stated that no one lives in the trailer park now so there will be more traffic generated by the development than there is now.

Mr. Oliver asked the applicant if they can meet the front setbacks of adjacent areas.

Mr. Kreager stated that they will meet the setback.

Mr. Stewart moved to approve the application with changes stated in staff report.

Ms. Snyder-Falkingham seconded the motion

Ms Howard asked that the motion be amended to include 3 affordable housing lots.

The Committee asked the applicant to consider a proffer for providing 3 affordable housing lots, but did not make it a condition of their recommendation.

The Committee passed the motion 5-1.

Old Business

None

New Business.

None

Adjourn

The Environmental Quality and Land Use Committee Meeting was adjourned at 9:00 pm.

The next meeting of the Environmental and Land Use Committee will be held Monday, November 15, 2004.